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WORKER ADVOCACY ADVISORY

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PUBLIC HEARING AND COMMITTEE MEETING

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Doubletree Hotel

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Westminster, Colorado

12

August 28, 2001

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1                   (The following proceedings were had at 5:05  
2 p.m.)

3                   CHAIRWOMAN SPIELER: I'm going to call  
4 this portion of the Workers' Advocacy Advisory  
5 Committee meetings to order now.

6                   For those of you who are here, my name  
7 is Emily Spieler, and I'm the chairman of the Workers'  
8 Advisory -- Advocacy Advisory Committee. We were set  
9 up under the Energy Employees' Occupational Illness  
10 Compensation Program Act of 2000 to provide advice to  
11 the Department of Energy with regard to worker's  
12 compensation issues and particularly with attention to  
13 implementation of the new law.

14                  We decided, as a committee, to hold this  
15 public meeting in order to give members of the  
16 community here an opportunity to talk to us about your  
17 views about the implementation of the Act and how it's  
18 working, and we've also invited people to call in and  
19 to join us and to offer comments during this meeting.

20                  I'd actually like to ask the members of  
21 the committee to just quickly introduce yourselves  
22 before we get started.

23                  Greg, do you want to start?

24                  DR. WAGNER: I'm Gregory Wagner. I work  
25 for the National Institute for Occupational Safety &

1 Health, but I'm here representing -- I'm not  
2 representing the Institute. I'm here as an  
3 occupational physician, internal medicine physician who  
4 is knowledgeable in this area.

5 MS. CISCO: I'm Jeanne Cisco. I work  
6 with PACE, but I am here representing the worker.

7 DR. MARKOWITZ: I'm Steven Markowitz.  
8 I'm an occupational medicine physician, and I run a  
9 formal worker medical screening program at four  
10 different DOE facilities.

11 MR. BLEA: My name is Rick Blea. I work  
12 for the United Association, and I sit on the board of  
13 labor relations.

14 DR. MUELLER: I'm Kathryn Mueller. I'm  
15 an occupational medicine physician. I'm an associate  
16 professor at the University of Colorado. And I'm  
17 actually here as an occupational medicine physician,  
18 but I'm also the medical director of the Division of  
19 Workers' Compensation in Colorado.

20 MR. BURTON: I'm John Burton. I'm a  
21 professor at Rutgers University in New Jersey, and I do  
22 research and teaching on occupational safety and health  
23 and worker's compensation.

24 MR. SHOR: I'm Glenn Shor, representing  
25 the State of California, Division of Worker's

1 Compensation.

2 MS. POST: My name is Iris Post. I'm  
3 the Iowa Worker's Compensation Commissioner. I'm -- in  
4 this capacity on this committee, I'm representing the  
5 State administrators and particularly the State of  
6 Iowa.

7 MR. ELISBURG: I'm Don Elisburg. I'm an  
8 attorney from Potomac, Maryland, and I'm here as a  
9 public member and workers' representative.

10 MR. ELLENBERGER: I'm Jim Ellenberger.  
11 For the last 17 years, I covered worker's compensation  
12 for the national AFL/CIO. I retired in May of this  
13 year, and I now consult with PACE International Union.

14 MR. OLSEN: My name is Mark Olsen. I'm  
15 with the Idaho National Engineering and Environmental  
16 Laboratory.

17 MS. HATFIELD: My name is Vikki  
18 Hatfield, and I'm the community representative. I live  
19 just outside of Oak Ridge, Tennessee, and I represent  
20 workers and their families.

21 MR. BODEN: My name is Les Boden. I'm a  
22 professor at Boston University School of Public Health.

23 CHAIRWOMAN SPIELER: Okay. And as I  
24 said, my name is Emily Spieler. I'm a law professor at  
25 West Virginia University and a former commissioner of

1 the West Virginia worker's compensation program.

2 We would really like to hear from both  
3 people on the phone and people who are from the  
4 community here about your views of the -- regarding  
5 implementation of this new law and anything that you  
6 think we could do that would be of assistance in making  
7 it work.

8 We've asked you to sign up to speak if  
9 you'd like to speak and we'd ask you to keep your  
10 remarks to about five minutes, but if committee members  
11 want to ask you questions and it goes for longer, that  
12 won't be a problem.

13 And I'd ask, as you speak, that before  
14 you speak, that you introduce yourselves and tell us if  
15 you represent any particular organization or  
16 constituency.

17 I understand that we have someone now on  
18 the telephone who is waiting, and so I think it would  
19 be a courtesy to allow him to go first. Go ahead. Can  
20 you hear us now?

21 He can hear me now?

22 A.V. TECHNICIAN: He should be able to.

23 CHAIRWOMAN SPIELER: Could you please  
24 tell us who you are and what comments you'd like to  
25 make about the implementation of this law?

1                   MR. STANIFER: Yes, ma'am. I'm David C.  
2 Stanifer from Oak Ridge, Tennessee. I worked 31 years  
3 at the Y-12 plant in Oak Ridge. And what I'm going to  
4 do is just read a letter out loud of our concerns  
5 about the disabled worker and then I have a fellow  
6 worker here who is going to -- he's going to read off  
7 other concerns people have. This is sort of a brief  
8 letter.

9                   I went to the Office of Workers Advocacy  
10 numerous times. They cannot tell me how this would  
11 help us workers with toxic illness for which the law  
12 states we are going to be compensated for lost wages.

13                  They could not tell me how it would  
14 benefit all of us, so we had a conference call with  
15 DOE, Kate Kimpan, Washington, D.C. She stated that  
16 worker's comp cannot be paid to anyone who was drawing  
17 Social Security Disability, long-term disability from  
18 the plant, or anyone who took early retirement.

19                  They told me during and after the public  
20 meeting that I need to go ahead and take early  
21 retirement because I was only living on \$300 per month  
22 and this would compensate me a little more.

23                  Now I and no one else can draw workman's  
24 comp because it is less money and loss of Medicare  
25 insurance if we take it. We end up with less money, no

1 insurance, no money for all the years that we have not  
2 received compensation for lost wages because of  
3 disability because of working at DOE facilities.

4 The bill states this is to make up for  
5 lost wages for toxic illness disability workers, so the  
6 only people who can possibly be compensated are people  
7 with cancers, silicosis, beryllium disease who are  
8 still alive or their spouses are still alive.

9 If you do not fall in this category, you  
10 receive nothing or lose more than you had to begin  
11 with, which most people are like me. They are broke,  
12 filed bankruptcy, and lost all their assets and have no  
13 way to live as I am.

14 Lockheed Martin, after we became  
15 disabled, made us apply for Social Security Disability,  
16 which when we received Social Security Disability, they  
17 later deducted the total amount from our disability  
18 payments -- from the long-term disability payments from  
19 Metropolitan Life, which is 60 percent of prepay.

20 Also, they take double the insurance  
21 premiums because we are disabled. Then they make us  
22 pay Social Security Disability insurance, Medicare,  
23 which we have to pay for. Then their insurance  
24 company, CIGNA, becomes 80 percent less responsible for  
25 medical bills. So we end up paying for two insurances

1     because we are disabled, end up with less money because  
2     we pay into the Social Security Act fund. Now people  
3     want to know why Medicare and Medicaid is overloaded.  
4     Because contractors for the Government and their  
5     insurance companies get out of paying. Now we have  
6     less and the new bill will take again from our money to  
7     live on, which is very small to begin with.

8                     We need help so all toxic workers will  
9     be compensated equally like the bill states for lost  
10    wages and disabilities from working at DOE defense  
11    weapons facilities.

12                    This is just a letter outlining my  
13    concerns and my fellow co-worker, which is disabled,  
14    he's going to comment now. Thank you.

15                    CHAIRWOMAN SPIELER: Thank you very  
16    much.

17                    MR. TUTOR: Okay. I'm Jerry Tutor.  
18    I've been on disability since 1995. I come out of here  
19    on 60 percent of my pay. After two years, they take  
20    out Medicare, which was about \$50 more a month. I'm  
21    not sure exactly how much. It was even less pay.  
22    Okay. I don't get any increases except what I get off  
23    of Social Security Disability, which is 2 or 3 percent  
24    per year. Okay. So last -- a year ago this past June  
25    or July, I retired, which meant I draw \$300 more than I



1 was drawing on disability, which is a lot of money for  
2 me.

3 So, you know, that -- just because I'm  
4 retired shouldn't have anything to do with my  
5 compensation, I wouldn't think. You know, that's the  
6 only reason I retired. Because if I had waited, waited  
7 until I was 65, I would have drawn a lot more money  
8 but I couldn't afford to do it. I needed it for  
9 medicine.

10 And also, people that -- you know,  
11 that's getting chemical exposure or whatever, they --  
12 they are in the same boat. I have prostate cancer,  
13 fourth stage and, you know, it don't matter which kind  
14 of illness you've got, you're still in bad shape.

15 And you also -- you know, you have  
16 people that have kids that are on Medicare and they  
17 get -- if they change and they can't draw Social  
18 Security Disability on account of this new bill, they  
19 are not going to change because their kids wouldn't  
20 draw anything, have any disability insurance, Medicare  
21 insurance from them.

22 So, you know, I just -- my concern is  
23 that, you know, you're going to take away more than we  
24 actually get. And I don't -- I don't really believe  
25 that's what the disability was set up for. The way I

1 read it, it said, you know, wage replacement. It  
2 didn't say it was going to replace my Social Security  
3 Disability. And I just don't understand, you know, how  
4 people are really into this deal.

5 Maybe I'm reading it wrong. And you  
6 know, you read one place, it'll act like it's going to  
7 pay and another place you read it, it'll say something  
8 entirely different.

9 I think this needs to be told to people  
10 and if they can't draw both, they need to tell them so  
11 they won't be applying and taking up paperwork and all  
12 this because every man that I talked to is not going to  
13 give up Social Security Disability for workman's comp.  
14 That's all I have to say. Thank you.

15 CHAIRWOMAN SPIELER: Thank you. Do any  
16 of the members of the committee have any questions for  
17 either of these gentlemen?

18 We'll take your comments seriously in  
19 our discussions during our meeting tomorrow. Jeanne,  
20 did you --

21 MS. CISCO: I do have one question. Are  
22 you talking about it's offset off of your disability  
23 retirement or Social Security Disability? Those are  
24 two different things.

25 MR. TUTOR: Okay. When you go out on

1     disability out there, you have to file for Social  
2     Security Disability. Okay. If you get it, they take  
3     that from you, like Mr. Stanifer said, which means you  
4     don't draw any more. You still draw 60 percent or even  
5     less because, then, after two years, you have to take  
6     Medicare. That makes it even less. Which, you know,  
7     if I didn't get Social Security, I wouldn't have to  
8     take Medicare, but I still have to carry my insurance  
9     at the plant due to my wife, you know, and I'm able to  
10    carry it until I'm 65, but I -- you know, just because  
11    I retired, I draw \$300 more than I would if I would  
12    have been on disability at the plant. What they are  
13    paying, their portion. I draw \$300 more than I did,  
14    you know, before.

15                   The only reason I retired was I needed  
16    that \$300, but that won't be as much as what workman's  
17    comp would be. Okay.

18                   MR. STANIFER: I think what you were  
19    asking, when we go out on long-term disability at  
20    Martin Marietta, Metropolitan Life pays us 60 percent,  
21    but they don't consider us total disabled until we get  
22    Social Security Disability. Then that total amount is  
23    deducted from our 60 percent pay.

24                   So we end up drawing the same amount and  
25    then we have to have the insurance, Social Security

1     Disability insurance. And then that -- that costs  
2     us -- we have to pay it ourselves and then they don't  
3     have to pay the 80 percent insurance. Medicare takes  
4     it over. That's what we're saying.

5                     MS. CISCO: Thank you.

6                     MR. STANIFER: Or else you would draw  
7     your 60 percent plus your Social Security pay, but not  
8     out there. It just goes less and less and when they  
9     get through, you only have about 20 percent of your  
10    original salary, and you just can't live on it.

11                    MS. CISCO: Okay. Thank you.

12                    CHAIRWOMAN SPIELER: Thank you very  
13    much.

14                    MR. STANIFER: Thank you.

15                    CHAIRWOMAN SPIELER: Do we have a list  
16    of speakers? I thought we were going to have a sign-up  
17    sheet for speaking. Could we have that signup sheet?  
18    I'll just find out who's signed up and wants to speak.

19                    Is there anyone here who just wants to  
20    start this off by being the next speaker?

21                    Come on up. Why don't we -- could we  
22    bring that around so they can face us? Is that mic on?

23                    A.V. TECHNICIAN: Yes, it is.

24                    CHAIRWOMAN SPIELER: Okay.

25                    MR. RAY: Can you hear me? Is that on?

1 Can you hear me now? I'll introduce myself. I'm Sam  
2 Ray, but I'm not from this area. I'm from Ohio. My  
3 local, PACE Local 5-689, asked me to come and express  
4 some concerns that we have about the bill.

5 I'd like to start off saying that it  
6 seems to me that on the DOL side of the bill, things  
7 are going very smoothly. But now, on the DOE side, we  
8 see some real problems developing. And that is that in  
9 the area of State claims -- now, originally, that's  
10 what the bill was about because we couldn't get  
11 recognition with the states and the employers of our  
12 occupational illness.

13 Well, now we've got a bill in place and  
14 now we -- the DOE then will establish a physicians'  
15 panel, but the problem we're running into, we have an  
16 aged population, probably, I'm guessing, about 75 years  
17 average age. That's a surviving employee and also the  
18 spouses of the employee who passed away.

19 In most cases, when they go to file a  
20 worker's comp claim, they will not have the information  
21 that is relevant to their case. Now, what we would  
22 like to see, we at -- we would like to see a dose  
23 reconstruction. In other words, on the DOL side, HHS  
24 is going to have a dose reconstruction. I think we  
25 need that on the DOE side. We need to know, for

1 instance -- this would apply to either side. We need  
2 to know what the workers were exposed to, where they  
3 worked, in what buildings so that we can help them  
4 prepare their claims.

5 Now, for instance, I may be diagnosed  
6 with asbestosis. No problem medically maybe. But when  
7 I go to file my claim, I have to show the association  
8 was the workplace.

9 Now, I realize the only way that we're  
10 going to be able to establish something like this,  
11 we're going to have to have funding in order to  
12 investigate and establish a history of a plant. I  
13 think the real problem I have, we've come a long way on  
14 this bill. We're here now. And I'm not sure whether  
15 the DOE is really committed to the program. I hope I'm  
16 wrong. But I -- I see some backing off in areas.

17 Now, if that -- if we're going to do  
18 something, if we're going to get involved in something,  
19 I think we should go all out. We should do it in the  
20 right manner. I think we're going to look pretty  
21 foolish when we start filing those State claims and we  
22 go to the physicians' panel and we have to have a  
23 certain amount of evidence and documentation and unless  
24 we have these profiles, we are not even going to get  
25 the physicians' panel to refer to, but let's say we do

1 get the physicians' panel to approve a claim and then  
2 as it goes on to the State, we're going to have to have  
3 even more documentation.

4                   They say, when you get to the State  
5 level, there's three things that you have to have:  
6 Documentation, documentation, documentation. I mean,  
7 that's it. And we're going to have a fight on our  
8 hands. And what we're asking from DOE, we're saying  
9 help us make this right. We will need some things to  
10 establish our profile of our plant, as will all the  
11 plants.

12                   I would go a little further. It's  
13 almost like -- we're telling these people -- we call  
14 them Cold War veterans. Okay. Now we're telling them  
15 we've got a bill. This bill is in place. And we're  
16 saying now, Okay, we're going to do battle. We want  
17 you to go out and do battle, but we're not going to arm  
18 you. You're just going to go out and do it on your  
19 own.

20                   In other words, just because you fill  
21 out two claim forms, that is not enough.

22                   Now, in the bill itself, it states in  
23 there DOE will assist the worker. And with lack of  
24 documentation, they will use alternate methods. And  
25 what I'm saying is this is one of the alternate methods

1     that we're going to have to have to establish real  
2     worker comp claims. Thank you.

3                   CHAIRWOMAN SPIELER: Thank you very  
4     much.

5                   What I'm going to do is -- would you  
6     like to speak next?

7                   MR. JOHNSON: Yes, ma'am.

8                   CHAIRWOMAN SPIELER: Okay.

9                   MR. JOHNSON: First, I'd like to say  
10    I've had a very depressing day, so if I break down,  
11    just bear with me.

12                   My name is Charles M. Johnson. I'm a  
13    35-year retired veteran of the Cold War. My hand was  
14    on the hammer when the Berlin Wall came down.

15                   First, I would like to congratulate you  
16    on your choice of interviewers. And the way they did  
17    it, the way -- they are excellent. They are handling a  
18    very, very difficult situation and they are doing it  
19    well. I wish I could say the same for your procedures.

20                   First, in the application, it said bring  
21    your medical records. In my case, I have -- I have --  
22    or I had -- it's in remission, hopefully -- prostate  
23    cancer a year ago. I'm going in to have it checked  
24    this next month. I'm now battling brain cancer. And  
25    they said bring your medical records. Ladies and



1 gentlemen, my medical records are like the Encyclopedia  
2 Brittanica. I got the doctors that I could to write a  
3 summary of my condition and pass that on. Not only  
4 that, medical records normally cost \$5 a page to copy.  
5 In my case, that would bankrupt me completely.

6                   There should be some way to circumvent  
7 this. You have a board of doctors, I understand. They  
8 know what records they need. If they could -- after  
9 they decide to review a case, if they could just say we  
10 need this and this, I'm sure that any patient that is  
11 going through this would be willing to sign a waiver to  
12 get that for them.

13                   Okay. Secondly -- and this is probably  
14 a major one -- do you folks know what went on at those  
15 plants in the fifties? Yes, ma'am. You say that. I  
16 poked three gas masks in Paducah, trying to drag a  
17 fellow worker out of a building. That building was  
18 covered up with uranium on average of once a week. I  
19 just about died one night because I got O2F2. And for  
20 weeks after that, I'd get a headache just like somebody  
21 hit me in the middle of the forehead with a ball  
22 hammer.

23                   And I could tell you horror stories all  
24 night long. Not so much about Rocky -- Rocky Flats did  
25 their best to be safe. I will say that. They

1     protected their workers. But accidents happen. So  
2     that it -- it does.

3                     Now, I guess -- there's not a retired  
4     worker out there that's coming here for a handout. All  
5     they want is a little justice. We laid our life on the  
6     line. Some of us are paying for it now. But we're  
7     not -- I don't -- you know, I don't really know what  
8     we're addressing, what this panel is for, what it's --  
9     but I'm in radiation and chemotherapy right now and I'm  
10    exhausted and so I don't think I will stay for the rest  
11    of your forum.

12                    Now, if I can answer any questions any  
13    of you might have -- and I congratulate you again on  
14    your choice of your interviewers and the way they  
15    conduct themselves. They are No. 1. Thank you.

16                    CHAIRWOMAN SPIELER: Sir? One question.

17                    DR. MARKOWITZ: You said that the  
18    procedures were very burdensome and then you mentioned  
19    in particular getting the medical records, the cost and  
20    then the amount.

21                    MR. JOHNSON: Yes.

22                    DR. MARKOWITZ: Any other procedures  
23    that you found to be excessive or difficult?

24                    MR. JOHNSON: Well, they -- I felt that  
25    the interview was very sketchy on background. What --

1     what situations you may have been in that you feel  
2     exposed you to danger. And that was -- it was just  
3     a -- like I say, I could stand here all day and tell  
4     you horror stories about these places and you don't --  
5     but there was -- yeah, one at Rocky Flats that I feel  
6     was uncalled for.

7                     DR. MARKOWITZ: Thank you.

8                     MR. JOHNSON: That's a -- and I think,  
9     you know, if your reviewers -- and not the  
10    interviewers, but your reviewers, you would do well to  
11    take cases that you are considering, sit down and talk  
12    to those people. Find out what they did, where they  
13    worked, what happened. You would get a little more --  
14    I think a little more insight, a little more background  
15    of what's going on.

16                    The fifties were rough, I'll tell you.  
17    Nobody kept records. Hell, we were winning the -- the  
18    Cold War. We wasn't going to fool around with this  
19    stuff. We had work to do. We had a big build going on  
20    at Rocky Flats. Who messed around -- we were out there  
21    16, 18, 20 hours a day. We had to get the work done.  
22    Who cared?

23                    MS. CISCO: When you went to the  
24    outreach office, do you know what you filed? Did you  
25    file a Federal claim? A State claim?

1 MR. JOHNSON: I don't know what I filed,  
2 ma'am.

3 MS. CISCO: Did you file --

4 MR. JOHNSON: I filed -- I filled out an  
5 application. I -- I'm just here trying to help the  
6 guys that -- personally, I -- I'm satisfied with my  
7 retirement from Rocky Flats.

8 MS. CISCO: Okay. Who told you you  
9 needed more medical information? The outreach office?

10 MR. JOHNSON: It's right on the  
11 application. It said bring your medical records.

12 MS. CISCO: Okay. So did you -- you  
13 said you went to an interview.

14 MR. JOHNSON: Yes.

15 MS. CISCO: And you took your medical  
16 records?

17 MR. JOHNSON: I -- ma'am --

18 MS. CISCO: Or did you?

19 MR. JOHNSON: My prostate medical record  
20 is that -- my brain cancer medical record so far is --  
21 and they are a continuing story.

22 MS. CISCO: Right. And you don't know  
23 what you filed? You just went and filed; right?

24 MR. JOHNSON: I filed an application,  
25 filled it out as it was.

1 MS. CISCO: Okay.

2 MR. JOHNSON: It was given to me at a  
3 meeting by a very close friend --

4 MS. CISCO: Okay.

5 MR. JOHNSON: -- who had a whole stack  
6 of them, who happens to be an interviewer, also. Yes.

7 MR. SHOR: Before this program began,  
8 the recent program, had you filed a claim with the  
9 State?

10 MR. JOHNSON: No. Mister, I'm gone four  
11 hours a day for treatments. I'm not going anywhere.  
12 My wife takes me. She's so wore out from hauling me  
13 around to chemo and radiation, I'm not going to file  
14 anything with the State. Hell, I'll be dead before  
15 they even process it.

16 MS. HATFIELD: I don't have a question,  
17 but I want to tell you that I appreciate you coming  
18 tonight. You remind me a lot of my father. He also  
19 worked at the plants in Oak Ridge and he has lung  
20 cancer, and I left him at home doing radiation. And  
21 it's very, very hard and I can understand --

22 MR. JOHNSON: I'm sorry, ma'am. I lost  
23 all my hearing in some big explosions in the 1950s.  
24 But -- and I didn't hear what you -- Hatfield. You  
25 wouldn't be related to the senator? No.

1 MS. HATFIELD: I'm from Tennessee.

2 MR. JOHNSON: Makes no difference.

3 MS. HATFIELD: But I do appreciate you  
4 coming and talking to us.

5 MR. JOHNSON: Thank you.

6 CHAIRWOMAN SPIELER: Thank you very  
7 much.

8 MR. JOHNSON: You bet. Now, if you'll  
9 excuse me, my dear wife is going to take me home. I'm  
10 going to kick back in a recliner -- and I can't drink  
11 beer because of my medication, so we'll have a Pepsi,  
12 call it a night.

13 CHAIRWOMAN SPIELER: Thank you.

14 MR. JOHNSON: Thank you all. Thank you  
15 for your attention.

16 CHAIRWOMAN SPIELER: I'm going to just  
17 go down the list of people who signed in for the  
18 meeting and if you'd like to speak when I get to your  
19 name, if you would please just stand up. Sylvia  
20 Kieding? Sam Ray. Sam Ray. I'm sorry. You already  
21 spoke. My apologies. Roman Kohler. Robert Bistline.

22 MR. BISTLINE: I'm just here observing.  
23 Thank you.

24 CHAIRWOMAN SPIELER: I'm sorry. I  
25 can't -- I'm having difficulty reading the next one.

1 Allan Scarpella. Would you like to speak, sir?

2 MR. SCARPELLA: Yes.

3 CHAIRWOMAN SPIELER: Please. Go right  
4 ahead.

5 MR. SCARPELLA: My name is Allan  
6 Scarpella. I worked at Rocky Flats for 31 years.

7 In that time, I've become sick. I'm in  
8 the early stages of berylliosis disease. I just got a  
9 report, my breathing capacity just went from  
10 138 percent down to 87 percent. In June, I was  
11 diagnosed with colon cancer, second stage.

12 And the people at the center have been  
13 very, very supportive, very helpful, assisting me doing  
14 my paperwork, getting my claim filed, everything like  
15 that. They are doing a great job. I know everyone at  
16 the center. I worked with them through Rocky Flats,  
17 and they are great people and doing a great job.

18 One thing I wanted to comment on is --  
19 is the -- how the bill, the compensation is turned over  
20 to the State workman's comp. It seems to be a problem  
21 in Colorado.

22 State workman's comp in Colorado is more  
23 of an enemy to the worker than it is an ally or  
24 anything else. The government has chopped -- the State  
25 government has chopped workman's comp in the state

1     terrible. Terrible. Most people don't trust workman's  
2     comp in the state. And a lot of people, I believe,  
3     won't come forward, and maybe if they are -- when their  
4     check is issued or whatever and they see that this  
5     thing actually works, that might help, but in the  
6     meantime, there's a lot of people who think it's a  
7     waste of time, don't want to come and participate at  
8     all because State workman's comp is involved.

9                     So I believe for this to be successful,  
10    you know, once there are some checks issued or, you  
11    know, people get some benefit from this, that will  
12    hopefully change a lot of people's minds, but, right  
13    now, I know it's not looked on very favorably with a  
14    lot of people.

15                    That's all I have to say.

16                    CHAIRWOMAN SPIELER: Questions? Have  
17    you -- I gather you've been in to the center and filed  
18    now?

19                    MR. SCARPELLA: Yes, I have.

20                    CHAIRWOMAN SPIELER: And do you know,  
21    did you file for the State system as well as with the  
22    DOL?

23                    MR. SCARPELLA: I don't know. I filled  
24    out a lot of papers. That's all I remember, so ...  
25    I've only been there once and I haven't looked through



1     it all yet, but ...

2                   CHAIRWOMAN SPIELER:   So now, you're just  
3     waiting?

4                   MR. SCARPELLA:   Yeah.

5                   CHAIRWOMAN SPIELER:   Well, good luck.

6                   MR. SCARPELLA:   Thanks.

7                   CHAIRWOMAN SPIELER:   Other questions?  
8     Thank you.   Wallace Gulden?

9                   MR. GULDEN:   It's kind of hard for me to  
10    be rational about the whole situation because Charlie  
11    Johnson is such a good friend of mine.   And I see a lot  
12    of my fellow workers dying every day, every week, and  
13    every month from Rocky Flats, either from cancer or  
14    berylliosis.

15                   We have a breakfast once a month at the  
16    Arvada Elks.   And every month, it becomes less and  
17    less.   We always hear through the Homesteader -- we  
18    have a retirement newsletter that goes out -- of all  
19    the obituaries and there's 20, 30, 40 at a time.

20                   These people were the Cold War veterans  
21    that beat communism and now our Government gives money  
22    back to those low-lives in Russia -- excuse my  
23    expression -- in the billions of dollars, including  
24    buying Chinese equipment and all the other bureaucratic  
25    boggles, but cannot take care of their own people,

1 including Charlie Johnson.

2 I cannot believe we won the Cold War and  
3 give money to the Russians, the Chinese, and all the  
4 other so-called communistic governments that we made  
5 the pits, the J-line, and all the other equipment we  
6 made out at Rocky Flats.

7 I was proud to serve my country 26 years  
8 at Rocky Flats and 26 years in the military full-time,  
9 National Guard and Army Reserve. And I don't pull away  
10 from the table when I get my retirement from Rocky  
11 Flats or the United States Army. And I have it in my  
12 will that I want to be buried in my uniform because I'm  
13 proud to serve my country.

14 And I said this same speech about a  
15 month ago and I'll say it again: I'm proud of my  
16 country, proud to serve Rocky Flats, but I see some  
17 things that are wrong with this whole system.

18 And point one -- and I'll go down the  
19 whole theory that I have. I have no notes. I only  
20 have a little menial associate degree in business, but  
21 I figure I have enough knowledge to see the  
22 bureaucratic boggle possibly in front of us. I started  
23 at Rocky Flats in 1965 in quality control as an  
24 auditor. And I went through every area out there --  
25 hot, cold, in the offices -- checking out process

1 operation sheets and documents and how to make a  
2 nuclear weapon. And we didn't go in with protective  
3 clothing. There were some days, they didn't have  
4 enough respirators to go around or booties to go  
5 around, and they said, Get your butt in there, Wally,  
6 that's your job.

7                   And I went through all the modules prior  
8 to the fire of '69 and I was up against the plutonium.  
9 And that's probably where my cancer came from. I have  
10 lymphoma, non-Hodgkins. It's in remission. I don't  
11 know what "remission" means. Like Charlie had just  
12 said, I don't know what remission means. I'm alive.  
13 I'm 63. I shouldn't have made it. That's what my  
14 doctor tells me.

15                   But I went and did my job, but I was in  
16 a cold area when I made the reports out. For seven of  
17 the eight hours, my report will show, the paperwork,  
18 that I worked in 750 building, which was considered a  
19 nonplutonium building.

20                   Then I got transferred into industrial  
21 engineering. I did time studies. So I went to  
22 plutonium areas again, but my offices were in the cold  
23 area.

24                   So I wrote down -- and if people just  
25 look at pieces of paper, they say, Wally, you're full

1 of it up to your nose, because you were only in the  
2 cold areas. That is not true. 80 percent of my time  
3 was in the hot areas, doing auditing, time studies,  
4 talking to the managers. The directors wouldn't come  
5 down. They wouldn't come out of their Building 11  
6 palaces. I never saw a director in the hot area,  
7 either with Rockwell, EG&G, or Dow. Most of them came  
8 down from Dow.

9 Lloyd Joshel, God love him -- he just  
10 passed away about six months ago -- was our plant  
11 manager at the time. He had been to hot areas all the  
12 time. I never saw anybody from EG&G in the hot area,  
13 but I was there all the time. Phil Saber, my buddy  
14 from R&D, he was in the hot area all the time.

15 These guys -- we won the Cold War. And  
16 I'll be damned if I want to give my money to Russia.  
17 I'll be damned if I want to give my money to Bosnia. I  
18 want to give it to our fellow employees.

19 I filled all the paperwork out. I have  
20 not heard back yet if they even got my paperwork. I  
21 don't know if I did it correctly. They were friendly  
22 to me. I sent two more copies to addresses I got off  
23 the Internet, certified, registered mail, both of them,  
24 copies, signed by my cancer doctor, my cardiologist  
25 because I had a triple bypass, my kidney specialist,

1     who I came up with kidney problems after my lymphoma.

2                     I was in the hospital for six months  
3     dying. The priest gave me Last Rites two or three  
4     times. He says, What the hell, I'm getting tired of  
5     giving you Last Rites. Why don't you die? You know,  
6     that type of thing.

7                     But the bottom line is -- I'm sorry to  
8     take your time up and ramble on, but I made a comment  
9     in the paper. I was the first one in line and I made  
10    the comment in The Denver Post and Rocky Mountain News,  
11    with the paperwork boggle we have in Washington, God  
12    love you, you're doing -- you're doing us a favor even  
13    being here. I wish more people would be here. I wish  
14    the word would have got out. But a lot of people feel  
15    it's a paperwork boggle, folks. It's just going to be  
16    paper shuffling.

17                    Somebody is going to look at it and say  
18    there's Wally Gulden, a troublemaker. Throw his paper  
19    out. He only has lymphoma. He only has non-Hodgkins  
20    lymphoma, but he didn't work in the hot area. The hell  
21    I didn't. And I was in the beryllium area all the  
22    time, too.

23                    But I just want to make sure that you  
24    know what we have done and we feel that if some of  
25    these rewards don't come through, at least help us bury

1 some of our people with an American flag and say thank  
2 you. You won the Cold War. Don't give our money away  
3 to somebody else. Give it to the people who won the  
4 Cold War.

5 And I have to give credit to people like  
6 Bev Lutz and all the other people in the office over  
7 there. They treated us like kings and queens, the lady  
8 who took care of me. I filled the paperwork out. I  
9 sent it in. I haven't gotten anything back yet saying  
10 they got it, threw it away, or sent it over to Russia  
11 to buy more vodka for all their idiots over there or  
12 all the people in Bosnia-Herzegovina.

13 I'm sorry. I'm upset with the tax  
14 dollars being spent the way they are. And why not take  
15 care of people like Charlie Johnson, Wally Gulden, Bev  
16 Lutz, and us people who went out? And we won the Cold  
17 War, folks. We did the dirty work.

18 I'm sorry. I didn't mean to ramble on.  
19 Yes.

20 DR. MARKOWITZ: In the claims process,  
21 the claims form, do you feel like you were able to tell  
22 the truth about your exposures? Do you feel like there  
23 was the opportunity for you to tell the full story you  
24 wanted to tell?

25 MR. GULDEN: I did it the best way I

1     could. My doctor, being an assembly line type doctor,  
2     in one door, out the other, he put out a little sheet  
3     saying Wally made a marvelous recovery. He had type 52  
4     lymphoma, whatever. But what you're saying is -- I  
5     didn't have all the information with me. I had to get  
6     the copies from him and it took about two weeks.

7                     DR. MARKOWITZ: I'm sorry. I'm not  
8     talking about your medical records. I'm talking about  
9     your exposures at Rocky Flats. In the claims process,  
10    do you feel that you were able to tell and write down  
11    the kind of information you're giving us now about  
12    exposures?

13                    MR. GULDEN: I put on the piece of paper  
14    that I was in the area where exposure was. And I told  
15    them, also, it -- it gave me time to put some  
16    information in there that I wanted to, but it was  
17    very -- it was a one-liner type thing. For example, in  
18    the 750 building, it's a -- they used to put 55-gallon  
19    drums of hot waste, plutonium waste or low-level waste  
20    next to our building. Right next to it. And the  
21    55-gallon drums were right up next to my window at the  
22    east portion of 750 building, if any of you know where  
23    it's at.

24                    And I looked out the building and all of  
25    a sudden, one day, these tops -- one top flew off.

1 Rags, everything else flying all over the place because  
2 we have a lot of wind at Rocky Flats, as you probably  
3 know.

4 So I told my boss. So he told the  
5 building manager. And he was told don't rock the boat.  
6 This was under Rockwell. That type thing.

7 I didn't put that in the report, no.

8 MR. ELISBURG: I have a question. May I  
9 have the microphone, please? Yes, sir. When you went  
10 and filled out your application, did anybody who -- who  
11 was -- any of the people there interview you about the  
12 work you did?

13 MR. GULDEN: No.

14 MR. ELISBURG: Would it have helped if  
15 you could have simply told your story even into a tape  
16 recorder, if somebody said, Well, where did you work,  
17 if you could have given the discussion that you have  
18 just given here the last ten minutes?

19 MR. GULDEN: I could have recorded this  
20 whole thing and more of where I worked and what I did  
21 and what areas I audited in. And -- yes. But I was  
22 not asked that. It was just kind of do you feel the  
23 paperwork is filled out. And did you fill it out  
24 correctly. And I signed it and I -- that was it.

25 MR. ELISBURG: Thank you very much.



1 MS. CISCO: Did you send for a copy of  
2 your work history and medical history at Rocky Flats?

3 MR. GULDEN: Yes, I did.

4 MS. CISCO: Did you look at that --

5 MR. GULDEN: Yes.

6 MS. CISCO: -- when you got it back?

7 MR. GULDEN: Yes.

8 MS. CISCO: Was the incident that you  
9 just described described in that work record?

10 MR. GULDEN: Not at all. They didn't  
11 know what I did or how I did it or where I went. I  
12 went in -- the only thing they had was they had I had a  
13 slight cough and when I went in for lymphoma, they said  
14 complications from the lymphoma and then they said --  
15 then I had to write in one little comment saying where  
16 I died for four seconds and they couldn't revive me and  
17 then they had to put the -- whatever you call them --  
18 get you going --

19 MS. CISCO: At your meeting where you  
20 talked to the other workers, you said the retirement --  
21 retirees meet --

22 MR. GULDEN: Right.

23 MS. CISCO: -- did you guys -- do you  
24 know if anyone else sent for their work records? Did  
25 all of you guys send for them?

1                   MR. GULDEN: Oh, I don't know. I don't  
2 know.

3                   MS. CISCO: I just wondered if there  
4 were other people in the same shape you are, if they  
5 get that work history and that's what they base their  
6 decision on -- what you're trying to tell us is that's  
7 not adequate? It's not going to say why?

8                   MR. GULDEN: Right.

9                   MS. CISCO: And then what you were  
10 exposed to; is that right?

11                  MR. GULDEN: Right. I updated mine and  
12 that's when I sent a lot of paper back to Washington,  
13 D.C. to a P.O. Box and I called back there and I asked  
14 if they received that, and they didn't even know what  
15 the hell I was talking about. I sent it to DOL when I  
16 found an address on the Internet.

17                  And I talk to people on the Internet,  
18 and a lot of them feel the way I do because of the fact  
19 they have not even been told that they received the  
20 paperwork. They never heard of Wally Gulden. My wife  
21 doesn't, either, but that doesn't matter. You know --  
22 come home for dinner, that's it.

23                  But also -- I'll ask you one more  
24 question. I don't know if somebody on the committee  
25 can answer it. After I retired -- it was either

1     retired or get laid off after they cancelled the last  
2     pit we made. Two years later, I had a massive heart  
3     attack, but I had a triple bypass. All kinds of  
4     complications.

5                     And then two years after that, I put in  
6     for Social Security Disability. Now, they are telling  
7     me because of the lymphoma, they won't -- I can't  
8     qualify for this. I'm hearing this on the Internet all  
9     the time. And I say, What are you talking about? I  
10    put that in for the triple bypass. Not the lymphoma.  
11    But I'm getting all kinds of people from Y-12 that talk  
12    to me on the Internet and also one guy from Savannah,  
13    saying, Forget it. If you're on disability, Social  
14    Security, you ain't going to get no money.

15                    MR. BLEA: I have a quick question, if I  
16    may. When you received your medical records, were they  
17    accurate from the -- the day that you went to work  
18    there?

19                    MR. GULDEN: Right.

20                    MR. BLEA: I mean, they -- I mean, every  
21    incident that you went to the medical center, it was  
22    pretty much accurate on your part?

23                    MR. GULDEN: Right. But it didn't show  
24    my radiation levels. It didn't show any -- off my film  
25    badges or anything, no.

1 MR. BLEA: Okay.

2 MR. GULDEN: It just showed when I  
3 coughed and went in with a scratched finger.

4 MS. CISCO: Do they have a medical  
5 surveillance program there at Rocky Flats?

6 MR. GULDEN: How do you mean? Since I  
7 was not an hourly worker with plutonium, no, they  
8 didn't. I was a salaried person.

9 MS. CISCO: That -- do -- do they have a  
10 medical surveillance at Rocky Flats for anyone where --

11 DR. MARKOWITZ: For the retirees. Do  
12 the retirees, the workers -- former workers have a  
13 special medical screening program?

14 MR. GULDEN: We can go to National  
15 Jewish Hospital, yes. And I'm on that program. And  
16 they did a heck of a good job with the ones that went  
17 down. And I think most of us went down because we did  
18 spread the word around. They did a good job. I give  
19 them credit down there at National Jewish. Thank you.

20 CHAIRWOMAN SPIELER: By the way, one of  
21 the things the committee is obviously going to have to  
22 talk about tomorrow is the suggestion that's come up a  
23 number of times that if you're collecting Social  
24 Security Disability, you are somehow prevented from  
25 getting benefits under this program. That's certainly

1 not my understanding and -- and if -- if that's the  
2 information that's being passed around here at Rocky  
3 Flats, I -- I personally think it's probably wrong.

4 There -- there may be some -- what we  
5 call offsets between and among different programs, but  
6 it doesn't make you ineligible for these programs.

7 And that would be true, also, for the  
8 person who called in, so I think that that's something  
9 that we need to discuss and figure out how to get the  
10 word out. But, just so you know, Mr. Gulden, I think  
11 that's wrong and if you hear that from other people,  
12 you should tell them that we think it's not right.

13 MR. GULDEN: Okay.

14 CHAIRWOMAN SPIELER: Mrs. Kieding.  
15 Ms. Kieding. Do you want to come up here, please?

16 MS. KIEDING: I'm Sylvia Kieding. I'm  
17 with the PACE worker health protection program, which  
18 is a former worker project that's funded by the  
19 Department of Energy. And there are 12 of these across  
20 the country. Probably, most of you on the committee  
21 know.

22 And I wanted to reinforce what Sam Ray  
23 said about the need for an exposure profile to  
24 accompany the State compensation claims because there  
25 is no -- there are no records on chemical exposures at

1     these DOE facilities. There's practically no records  
2     on radiation exposure, so I think there's going to be  
3     some necessary help from NIOSH in that dose  
4     reconstruction, but as Mr. Gulden pointed out, then, he  
5     didn't know -- no one, when they interviewed him, did  
6     ask him about his exposures.

7                     And I think that the University of  
8     Colorado, which runs the Former Worker program and  
9     along with National Jewish, would be in a unique  
10    position to provide that kind of exposure profile if  
11    the worker advocacy office would provide National  
12    Jewish and University of Colorado with the resources to  
13    do that.

14                    In addition, I wanted to stress the fact  
15    that PACE International is really concerned about the  
16    foot-dragging of DOE on implementation of the Act in a  
17    number of areas. One is I just want to ask a couple of  
18    questions about where DOE is on implementation.

19                    And the first thing is the memorandums  
20    of understanding with the states. I -- not right now.  
21    This is just a question that I want to put on the  
22    record: Where are we on those MOU's?

23                    And the second thing I want to know is,  
24    you know, sometime ago, Paul Seligman sent out a Notice  
25    350 that was a notice that any diagnosis made by the

1     former worker programs or by the site medical clinics  
2     would be accepted as sufficient for a compensation  
3     claim. That was to have been finalized and sent out.  
4     And I wondered what the status of the Notice 350 was  
5     and when the final order will be issued.

6                     And finally, I wanted to ask about what  
7     happens when a contractor contests because I'm quite  
8     sure that most of these claims will be contested by the  
9     contractor, judging from the telephone calls I have  
10    received where the contractor is saying, Oh, well, this  
11    person only worked with us for two years, why should we  
12    pay for a noise loss that this person suffered up at  
13    Hanford, this being from an Oak Ridge employer.

14                    So I want to know what the -- what DOE  
15    is going to do about these contests. And I suppose  
16    it's -- this order is supposed to take care of it, but  
17    I want to caution that just because DOE headquarters  
18    sends out an order doesn't mean it's going to be  
19    implemented at the sites because there's a special  
20    relationship that exists. These sites are pretty  
21    independent of DOE at the national level. And there's  
22    a lot of pressures for profits at the local level, and  
23    there's also a more intimate relationship between the  
24    contractor and DOE at the site level.

25                    So those are some of the questions that

1 we have and we'd like to see answers to.

2 CHAIRWOMAN SPIELER: We'll discuss them  
3 some more, I think, tomorrow in our meeting.

4 MR. ELISBURG: Could I just ask --

5 CHAIRWOMAN SPIELER: Can you come back  
6 for one second?

7 MR. ELISBURG: I just want to ask you  
8 one question. On your proposal to develop the exposure  
9 profiles or to use the Former Workers program to  
10 collect the data, I guess, that they have to help with  
11 figuring out where the doses are, et cetera, have you  
12 had any discussions about this with the Department of  
13 Energy? Have you proposed this? Have you -- you know,  
14 has this been something that has been before the agency  
15 and what kind of response have you received?

16 MS. KIEDING: Well, PACE discussed this  
17 with Paul Seligman before he left, and he agreed with  
18 the need for such a -- a chemical exposure profile and  
19 at the time asked if Mark Griffin, who is our  
20 industrial hygiene consultant and health physics  
21 consultant, were available. Conceivably available to  
22 do this nationwide. I'm not sure.

23 But, of course, that would not be the  
24 idea. You really need the site people, like, for  
25 instance, Les who is involved with the BU program and



1     they have people down at the site that are in a unique  
2     position along with BU to put together the necessary  
3     data.

4                     So I don't see it being done on a  
5     national level. That's why I recommended the Former  
6     Worker program.

7                     MR. ELISBURG: I just wondered if you  
8     had any feedback from Dr. Seligman or others following  
9     Dr. Seligman about whether this would be feasible or  
10    what to do next, or was this sort of just under  
11    advisement?

12                    MS. KIEDING: I'll tell you, after Paul  
13    left, then DOE is in a state of disarray, I believe,  
14    and there is no one in charge, as far as I can tell.

15                    MR. ELISBURG: Thank you.

16                    CHAIRWOMAN SPIELER: Any other  
17    questions? Thank you very much. Carol Barker?

18                    MS. BARKER: I'm from the Resource  
19    Center.

20                    CHAIRWOMAN SPIELER: Okay. I know a  
21    number of you are from the Resource Center, but we'd be  
22    happy to hear from you if you have suggestions about  
23    the implementation of the program, so -- but no  
24    obligation.

25                    James Masingale? John Barton?

1 Mr. Barton.

2 MR. BARTON: My name is John Barton, and  
3 I'm vice president of the steel workers out at Rocky  
4 Flats. I've been a 20-year employee out there. I'm  
5 also a radiological control technician by profession.

6 When mankind discovered atomic energy,  
7 it also discovered radiation-induced illnesses. We  
8 have been producing nuclear weapons for over 50 years.  
9 Here at Rocky Flats, our first confirmed chronic  
10 beryllium disease was diagnosed in the early 1980's.  
11 Since that time, over 100 employees at the site have  
12 been confirmed with chronic beryllium disease and over  
13 300 employees are sensitized. The latency period,  
14 perhaps due to medical improvements, has decreased from  
15 the average of 16 years down to eight years. Before --  
16 radiation cancer cases were settled out of court before  
17 chronic beryllium disease was discovered.

18 Radiation protection of the worker  
19 finally advanced in 1992 to include state-of-the-art  
20 air sampling and accredited dosimetry labs. It's 40  
21 years too late, though. We were never told not to cut  
22 asbestos by hand without respirators, nor to crush  
23 beryllium parts in the open work area. No one told us  
24 the hazards of trichlorethylene or that carbon  
25 tetrachloride was a known carcinogen.

1                   We of the work force are now paying the  
2 price for our ignorance. I'm thankful that the  
3 Department of Energy and the Department of Labor have  
4 stepped forward and admitted their mistakes and that  
5 Congress has passed this radiation compensation act  
6 funding this program now.

7                   Our members of Local 8031, their fathers  
8 and mothers and retirees now need this compensation to  
9 survive. Some of our friends are worse off than us and  
10 only have a little time left. Their cases must be  
11 expedited. We can't wait until January for the State  
12 of Colorado to decide if it's going to participate in  
13 the Federal workman's compensation claims. The program  
14 must remain intact for those of us who remain  
15 undiagnosed. Thank you.

16                  CHAIRWOMAN SPIELER: Thank you. Any  
17 questions for Mr. Barton?

18                  MR. SHOR: Can you explain what you mean  
19 by "can't wait until January"? Have you been told that  
20 the State of Colorado will not participate in the  
21 program until January?

22                  MR. BARTON: What I believe is happening  
23 is that the State of Colorado has not even trained  
24 their workers to interface with the agencies' work  
25 force yet. And the forms are being filled out, they

1 are being sent, and they are just in a holding pattern.  
2 No one from the State is making contact. They haven't  
3 trained their workers to start looking at the forms.

4 And our friends, my friends -- I'm a  
5 member of the Arvada Elks Lodge. Okay? Two years ago,  
6 Charlie Johnson and I were hunting geese together. He  
7 can't go hunting with me this year, but I love him  
8 dearly. So ... my friends are going to die before they  
9 get paid. They need money to survive.

10 MR. ELLENBERGER: John, thank you for  
11 being here. One of the requirements on the Department  
12 of Energy established by this legislation is to make  
13 sure that information is disseminated about the  
14 availability of these benefits.

15 In other words, the department is  
16 supposed to do outreach efforts to make sure that  
17 people are aware of their rights under the law. What  
18 would you advise or suggest that the Department of  
19 Energy do to make sure that current workers and former  
20 workers at Rocky Flats and, indeed, at other facilities  
21 in the nuclear weapons complex get this information so  
22 that they can make informed choices?

23 MR. BARTON: You have several problems  
24 facing this. You have trouble getting records such as  
25 the Coors facility, which is nonunion. They destroyed

1     their records. Those employees cannot, from the  
2     porcelain shop, ever prove that they worked with  
3     beryllium-contaminated porcelain. You have trouble  
4     getting your own medical records and find that pieces  
5     of them are missing or flawed.

6                     You know, from -- I collected my records  
7     every year, every two years, and in 1995, my records  
8     are different than in 1997. I find that hard to  
9     believe.

10                    Some of our records, the dosimeter  
11     results were written in pencil and you can see where  
12     the erasers were. I don't know if the results were  
13     higher or lower.

14                    Your forms keep changing every day. You  
15     have a great staff that is filling out the paperwork as  
16     the work force comes in and a week later, there's a new  
17     form out. They have got to call the person back in and  
18     say, Oh, by the way, you know, fill this form out  
19     because it's a new change. Someone is creating more  
20     work, you know, than we need to. It's unnecessary.

21                    The cost of medical records is  
22     horrendous. You know, as retirees, they are on limited  
23     incomes. Charging from 5 to 14 dollars a page for  
24     medical records, they don't have that kind of money.

25                    And I'm sorry to say it's -- you need to

1 fix some things. What you have in place here until it  
2 gets to where -- I think it's okay.

3 DR. MARKOWITZ: Do you think people are  
4 finding out about the program? People who need it are  
5 finding out about the program?

6 MR. BARTON: They don't trust the  
7 Government. The only reason they are coming in is  
8 because we, as their friends, their representatives,  
9 are saying, Look, you've got to go in there. You need  
10 to do this. They don't trust the Government. They are  
11 not coming out.

12 CHAIRWOMAN SPIELER: Just to follow up  
13 on that, is there anything that DOE or DOL could do  
14 other than start paying claims?

15 MR. BARTON: You heard Wally. Wally was  
16 the first guy in Denver to get interviewed and file his  
17 paperwork. Why don't you pay the guy? Advertise it.  
18 It would sure help.

19 CHAIRWOMAN SPIELER: Thank you. Amy  
20 Oberstadt.

21 MS. OBERSTADT: Hi, I'm Amy Oberstadt  
22 from National Jewish, and I just have a couple comments  
23 to make.

24 The first one is I would like to agree  
25 with a lot of the workers that have come up here saying

1     that their exposures are very much underestimated based  
2     on their job titles, based on where their offices were,  
3     or where their tools are kept. And like they said,  
4     there are many workers who went all over the place.

5                     And my other question is -- this  
6     pertains to people who have filed for the beryllium  
7     claims, but they have sent in their paperwork and their  
8     medical records, but, for whatever reason, some of the  
9     medical records are missing. They are then told they  
10    only have 30 days to get the missing medical records  
11    and have them sent in or their claim is going to be  
12    judged on what the DOE or DOL already has.

13                    I just feel these workers have waited  
14    months and years for any type of compensation or  
15    recognition and why is there such a hurry, 30 days, and  
16    they have to have the rest of the medical records.

17                    CHAIRWOMAN SPIELER: Thank you. Phil  
18    Saber? Did you want to speak?

19                    MR. SABER: I work at the Resource  
20    Center and I do the appointments for the clients that  
21    come in. And I get a lot of calls from people that say  
22    that when they were working at the plant, the doctor  
23    there told them that they had exposure to beryllium.  
24    Then they would go back a year later and they don't  
25    have this exposure, so they want to know what they

1     should do because they don't trust what they were told.  
2     At one time, they have the beryllium; the next time  
3     they didn't have it. And so we get a lot of calls like  
4     that.

5                     But all in all, I think our office is  
6     doing a real good job at trying to process the claims.  
7     Each day, there's a different set of rules that come in  
8     and it's quite confusing to the people that do the  
9     claim work. So that's all I have.

10                    CHAIRWOMAN SPIELER: Thanks a lot.

11                    DR. WAGNER: I had a couple questions.  
12     Amy had just mentioned the kind of pressure to produce  
13     the medical records in 30 days for -- somehow have to  
14     by a deadline. Is there a reason for that?

15                    MR. SABER: That doesn't come from our  
16     office. Not at all.

17                    DR. WAGNER: Okay.

18                    MR. SABER: You know, we have -- when I  
19     tell the people that come in -- make the appointments,  
20     you know, I ask them to gather up as much medical  
21     records as they can. And some of them will bring in a  
22     stack that's this high and it takes, you know, two or  
23     three reams of paper, you know, and you're talking 5-  
24     or 600 pages. And we have already worn out -- I don't  
25     know how many copying machines just in the short time



1     that we've been there. And that -- that's about it.  
2     But we don't tell these people that they only have 30  
3     days.

4                     DR. WAGNER: The only question I had has  
5     to do with the -- when somebody leaves your office  
6     after the interview, do they get a piece of paper or  
7     follow-up letter or anything that says this is what you  
8     gave us and this is what you filed for? You know,  
9     we've helped you file for a DOL claim or we're going to  
10    work on whether or not you can file a State worker's  
11    comp claim, this is when you can expect to see us, or  
12    is this all done verbally?

13                    MR. SABER: The caseworker gives them a  
14    copy of everything that we've taken from the -- or we  
15    keep a copy of everything that they have, you know,  
16    given us. And then we send a copy of our copies to the  
17    labor department. And then we give them a copy of the  
18    forms that we fill out. So they've got everything  
19    that, you know, we've got.

20                    DR. WAGNER: But do they have any kind  
21    of summary letter or one-page thing in kind of plain  
22    English that says this is what you came in for and this  
23    is what we did for you and this is what you can expect?

24                    MR. SABER: We don't tell them anything.  
25    We don't -- we don't make them any promises. When they

1     come in, you know, we tell them they may be  
2     compensated, but we don't promise them that they are  
3     going to get their 150,000 or a dime. And -- okay.  
4     That's not our job to do that.

5                     MS. CISCO: When the person comes in and  
6     you're looking at their medical information, if you see  
7     something very obvious that they need, like a pathology  
8     report or something that's missing, do you tell them  
9     that, really, to file this claim, you probably ought to  
10    try to get this pathology report? I mean, do you ever  
11    tell them what you see is lacking in the claim that  
12    they ought to be going ahead and gathering while you go  
13    ahead and file it for them?

14                    MR. SABER: Well, in some cases -- I  
15    know our case workers -- and I've done the same thing  
16    with the phone people that have called when they are  
17    not sure about something, I'll tell -- I'll give them  
18    the phone number of National Jewish over there and  
19    either get the physical, which they check for the  
20    asbestos and the chemicals that we worked with or we'll  
21    send them over to -- what is it? 80th and -- what is  
22    it?

23                    MS. CISCO: I'm sorry. I'm talking  
24    about the medical documentation to file a claim. If  
25    you see something missing that they need to go back and

1 get from their doctors.

2 MR. SABER: I don't do the claims. You  
3 can ask Carol or Bev over there. Did you get that? We  
4 don't tell them?

5 MS. BARKER: Yes. If we see something  
6 obviously missing, of course, we would talk about it  
7 with them.

8 MS. CISCO: Then you go ahead and file  
9 the claim and tell them they probably ought to go ahead  
10 and get them.

11 MS. BARKER: We tell them, normally,  
12 that -- what is missing and that they will probably be  
13 requested to provide it so it would be a good idea to  
14 have it on hand because I don't think we want to  
15 confuse everything by sending all kinds of paper in at  
16 different times. Once in a while, we've had to send a  
17 supplemental report, but not too often.

18 CHAIRWOMAN SPIELER: Thank you very  
19 much. Ray, did you want to speak? Ray Malito?

20 MR. MALITO: Just a minute, please.

21 MR. BEITSCHER: Excuse me. I have a  
22 procedural question. Could you please tell me who's on  
23 your list? I submitted my name by e-mail and I'm not  
24 sure it wound up there.

25 CHAIRWOMAN SPIELER: Oh, dear. It may

1 not have. I'm actually just working --

2 MR. BEITSCHER: I'm just sitting here  
3 waiting and waiting.

4 CHAIRWOMAN SPIELER: While we wait for  
5 Ray, I'd be happy to have you speak. I actually never  
6 received a list of e-mail.

7 MR. BEITSCHER: Someone responded to me  
8 by e-mail. So I know that --

9 CHAIRWOMAN SPIELER: Judy, do you have  
10 additional names? What is your name?

11 MR. BEITSCHER: Stan Beitscher. Am I on  
12 your list? I'd be happy to wait.

13 CHAIRWOMAN SPIELER: It's fine, Stan.  
14 There seems to have been some confusion about how this  
15 list was prepared, and I don't work at DOE, so I'm just  
16 given information. If you would like to speak now,  
17 that would be fine. Please go ahead.

18 MR. BEITSCHER: My name is Stan  
19 Beitscher, and I worked at Rocky Flats for 30 years. I  
20 retired about five years ago. I'm a scientist. And  
21 I'm well aware that radiation causes damage to the  
22 human body, but I'm well aware that all of the effects  
23 of radiation are not known.

24 And my understanding when I first went  
25 to work at Rocky Flats was the Government of the United

1 States would stand behind me, no matter what would be  
2 my health problems, if there would -- if there were to  
3 be health problems from Rocky Flats. And I expect the  
4 Government to stand behind that pledge.

5 As I said, I worked at Rocky Flats for  
6 30 years and prior to that, I worked at the Knolls  
7 Atomic Power Laboratory. That's a Navy installation  
8 run by the General Electric Company for Admiral  
9 Richtover for six years. So all of my professional  
10 career was spent in the atomic power business and  
11 research.

12 I recently submitted a claim to the  
13 advocacy office in Westminster. I'm pleased to say  
14 that I was very well treated. The procedure was  
15 convenient. And -- and I appreciate the treatment and  
16 I thank -- I thank the office for that. But I have  
17 some additional comments to make.

18 I believe the advocacy program will be  
19 some relief to a limited number of very sick people  
20 that worked at the weapons plants, but it is very  
21 important to keep in mind that this program that we're  
22 talking about this evening is very limited in scope.

23 The health hazards faced by workers at  
24 these plants are complex and widespread. Not all of  
25 the hazards are recognized at this time. Cancer caused

1 by radiation and toxic materials takes many years to  
2 develop and even longer to be diagnosed.

3 Furthermore, there is a definite risk to  
4 us workers from the toxic materials other than  
5 radioactive materials, other than beryllium and other  
6 than materials that cause silicosis at Rocky Flats.

7 Rocky Flats was one of the biggest users  
8 of carbon tetrachloride in the world as I understand  
9 it. Whether it's the biggest or the second biggest,  
10 I'm not sure. Carbon tetrachloride is a deadly poison,  
11 we now know. There are many other toxic materials that  
12 we all dealt with constantly at Rocky Flats. All kinds  
13 of chlorinated solvents, all kinds of fluorinated  
14 materials, and other materials that I can't recall at  
15 the present time.

16 The compensation program does not  
17 consider any illnesses but radiation induced cancer and  
18 beryllium disease and silicosis. As the program is yet  
19 to be implemented, we're not sure at this time exactly  
20 who will be compensated, how and when, or, for that  
21 matter, what documentation and what proof we need to  
22 submit in order for compensation to be -- to be done or  
23 to be made.

24 In an adversarial situation, it's going  
25 to be very difficult to prove that I was exposed to

1 vast quantities of carbon tetrachloride. How do I  
2 prove that other than by saying that I worked in a  
3 radiation zone every day I was at Rocky Flats for the  
4 30 years I was there?

5 I happen to be rather unique in this  
6 situation. I was in a plutonium area every day that I  
7 worked at Rocky Flats because I'm a plutonium  
8 metallurgist.

9 So according to the old saying, as far  
10 as how the compensation program is working, I believe  
11 it's fair to say that the proof is in the pudding and  
12 the pudding is on the burner and hasn't even come to a  
13 boil yet.

14 I'm rather skeptical because if this  
15 turns at all into an adversarial situation -- and my  
16 experience has always been that in dealing with  
17 benefits from Rocky Flats, it is very adversarial --  
18 that we're going to have a hard time proving what we've  
19 been exposed to other than the very obvious things.

20 I mean, since I've worked -- I worked in  
21 Building 779 and 71 every day I was at Rocky Flats.  
22 It's going to be pretty easy for me to prove that I  
23 worked in a radiation area, but how do I prove that I  
24 was exposed to vast quantities of carbon tetrachloride  
25 and other chlorinated solvents?

1                   I'd like to make a further point. I  
2 think this is very important. It is extremely  
3 important that the Government and the contractors  
4 maintain the health insurance of all retirees at the  
5 minimum of its present level, whether they are  
6 presently diagnosed with these horrible illnesses or  
7 not.

8                   I fear that some bureaucrat, well  
9 meaning perhaps, but very mistaken, will get the idea  
10 of -- of reducing the level of the insurance program  
11 because he might think that this program, the advocacy  
12 program, addresses all of the health issues of  
13 retirees. This would be a very tragic and cruel  
14 mistake and would severely damage our well-being and  
15 our welfare in the future.

16                  So please keep in mind that the advocacy  
17 program, although very beneficial to a limited number  
18 of people, is not the complete answer to the retirees  
19 at Rocky Flats. Thank you very much.

20                  CHAIRWOMAN SPIELER: Thank you. Nancy  
21 Sanderson.

22                  MS. CALDWELL: Good evening. My name is  
23 now Nancy Caldwell. I worked at Rocky Flats for a  
24 number of years and enjoyed my stay there. While  
25 there, I was privileged to work on either 10 or 11



1 technical safety appraisals for the DOE, going to a  
2 number of the plants.

3 I now live in the state of Missouri.  
4 I'm here to help my daughter, Lori, who is a ten-year  
5 veteran of Rocky Flats. In May, she was diagnosed with  
6 cancer, stage 3. Had a very -- well, the surgeon  
7 called it a huge surgery. She is now going through  
8 chemotherapy. She's just finished radiation.

9 And I want to say that the office here  
10 has been most helpful in helping Lori fill out the  
11 forms. She found the forms to be straightforward. She  
12 listed where she had worked and those circumstances.

13 I think it's wonderful that the case  
14 workers are willing to actually come to the homes in  
15 some cases if the employee is too weak to come in. And  
16 that was the case in Lori's case.

17 So we just want to say thank you. We  
18 appreciate your interest and this solution for some of  
19 the employees. Thank you so much.

20 CHAIRWOMAN SPIELER: Thank you. Ray,  
21 did you want to say anything?

22 MR. MALITO: Not at this time. Thank  
23 you.

24 CHAIRWOMAN SPIELER: Okay. What about  
25 Beverly? Beverly Lutz.

1 MS. LUTZ: Yes. Beverly Lutz. I'm kind  
2 of in a unique position because as well as being a  
3 retiree from Rocky Flats, I'm also working at the  
4 Resource Center, so I can see both sides of it, and  
5 also, I have chronic beryllium disease.

6 So I guess from the aspect of helping  
7 people out, it gets frustrating sometimes with -- with  
8 the system that we're forced to work with as far as the  
9 forms.

10 As far as Charlie Johnson, he mentioned  
11 that he came in. I happened to be the caseworker that  
12 interviewed him. And I did go through all of his  
13 medical questions, you know, that he had, and we also  
14 filed the worker comp claim for him that we sent on to  
15 the worker advocacy office.

16 And we are routinely doing that, so I  
17 guess one of the questions you had was whether we are  
18 filing the worker comp. We are in all cases until we  
19 are told differently.

20 So, essentially, I think that most  
21 people, when they come in, they are looking forward to  
22 us to help them fill out the forms. Most of the time,  
23 they are not filled out when they come in, so we go  
24 through them step by step. We give them a complete set  
25 of what we have done so there is no questions as to

1     what they have filed.

2                     The other thing I -- I think that's  
3     important is that we do give them a list. The EE7 form  
4     is the sheet that outlines the medical records that  
5     will be asked for and we give them a copy of that when  
6     they leave, so if they have questions as to what  
7     medical records are needed, it is spelled out on that  
8     form. Do you have a question?

9                     DR. MUELLER: So you're filing worker's  
10    comp files for Colorado. And where are you sending  
11    those?

12                    MS. LUTZ: To the worker advocacy  
13    office. That's what we've been told to do.

14                    DR. MUELLER: Oh, so they are not going  
15    anywhere in Colorado?

16                    MS. LUTZ: No. They are not going to --  
17    to worker comp in Colorado.

18                    DR. MUELLER: Or to -- or to Kaiser  
19    Hill?

20                    MS. LUTZ: No. No.

21                    DR. MUELLER: Okay. Thank you.

22                    CHAIRWOMAN SPIELER: When we were by the  
23    office earlier today, I thought I saw -- and I may just  
24    be confused -- forms that were forms for the DOE office  
25    for referral to physician panels, but I understood that

1     you were not having people actually file the claim form  
2     for the State of Colorado.

3                   MS. LUTZ: Oh, no. We are not. We are  
4     doing the forms that you're speaking of.

5                   CHAIRWOMAN SPIELER: Okay. So they are  
6     the Federal forms from the Office of Worker Advocacy  
7     that you're sending in to Washington.

8                   MS. LUTZ: Right. But it would be good  
9     for us to have some explanation to give these people.  
10    I mean, we were asked to fill those forms out, saying  
11    that the worker comp part of it would be taken care of.  
12    But they are coming back and asking us what exactly can  
13    we expect as a result of filling out these forms. We  
14    don't have those answers.

15                   All we've been told as case workers is  
16    to go ahead and fill out the forms for those people.  
17    So that aspect really needs some clarification as far  
18    as I'm concerned.

19                   And then the question comes up, too, a  
20    lot of times, if a person, like in my case, has been  
21    diagnosed with chronic beryllium disease, I already  
22    have been granted worker comp benefits for the State of  
23    Colorado. The question comes up are we still supposed  
24    to submit these forms for those people to go back to  
25    the review panel? So that's another point that hasn't

1     been clarified.

2                   DR. WAGNER:   How much information are  
3     you able to get about the exposures that people have at  
4     work and the kinds of things that a number of people  
5     talked about, different situations that they have been  
6     in?

7                   MS. LUTZ:   Well, most of the people  
8     either have copies of their radiation exposure records  
9     that they bring along to the meeting or they are told  
10    that they can request that information from Rocky  
11    Flats, but they have to go through the Freedom of  
12    Information channel to get that.

13                  DR. WAGNER:   What about any other  
14    exposures beyond radiation?

15                  MS. LUTZ:   Any -- any types of records  
16    that they may have, we include in their -- in their  
17    file that goes to the Department of Labor and we also  
18    keep a copy, but as far as any other records that they  
19    haven't brought to us, like I said, they have to  
20    request that under the Freedom of Information Act.   So  
21    we -- we are giving them a memo directed to the Freedom  
22    of Information Act officer at Rocky Flats and have them  
23    sign that and we are forwarding it.

24                  DR. WAGNER:   Great.

25                  MR. BURTON:   You're providing assistance

1 to workers from more than one state, as I recall.

2 MS. LUTZ: Right.

3 MR. BURTON: So if you were to try to  
4 get advice on worker's compensation, you'd have to be  
5 providing information not just about the Colorado law,  
6 but a number of other states. Is that --

7 MS. LUTZ: Right, but we don't have that  
8 information.

9 MR. BURTON: So it would be quite --

10 MS. LUTZ: So the only thing that we do  
11 is still fill out the forms that we were provided.

12 MR. BURTON: Right. And send those on  
13 to Washington, and then they have got to figure out  
14 where you go from there.

15 MS. LUTZ: Exactly.

16 MS. POST: Are you getting claims from  
17 other states or individuals from other states other  
18 than Colorado -- or Rocky Flats?

19 MS. LUTZ: I don't recall. Have we had  
20 one?

21 MS. BARKER: I just got one from Texas  
22 today. A fellow called in on the phone.

23 MS. LUTZ: That's true.

24 MS. BARKER: Got one from Utah  
25 yesterday.

1 MS. LUTZ: We have done some phone  
2 interviews. In fact, there was a gentleman from  
3 Arizona. His father had worked at Rocky Flats, and we  
4 did a phone interview with him. And I think Carol has  
5 done some, too.

6 MS. POST: Are these generally former  
7 workers at Rocky Flats, or are they workers who were at  
8 another site?

9 MS. LUTZ: Most of them are former  
10 workers from Rocky Flats or survivors of workers from  
11 Rocky Flats. Yes, sir.

12 MR. SHOR: If someone had a -- had an  
13 interest in filing a State claim, do you have  
14 information for them to hook them up with somebody at  
15 the State level?

16 MS. LUTZ: Well, we've been told that  
17 the only thing that we are required to do is to give  
18 them the information, you know, as far as the forms  
19 that we have available right now. But we haven't -- we  
20 haven't talked any more to the people in the State of  
21 Colorado. We were told that we were going to get some  
22 instructions at the Resource Center as far as filling  
23 out State forms, but that hasn't happened. So that's  
24 still one of those iffy questions, I guess.

25 MR. SHOR: Thanks.

1                   CHAIRWOMAN SPIELER: Patrick -- I think  
2     it's Etchart. Would you like to speak? Sally Shupach?  
3     Would you like to speak?

4                   MS. SHUPACH: My name is Sally Shupach,  
5     and I am one of the people that have an out-of-state  
6     claim, so to speak.

7                   A problem that I see is I'm not quite  
8     sure if you file for State worker's compensation claim  
9     and you also file for an EEOICPA, and perhaps RECA or  
10    ED or the Special Energy Cohort. How are these claims  
11    offset by the other ones? To me, it would appear that  
12    in the atomic weapons facilities that there were two  
13    contractors involved in that process, and that was the  
14    Federal Government making a contract with an  
15    independent company to produce nuclear weapons.

16                  So, to me, there's two liabilities  
17    there. One, the State, through the State worker's  
18    compensation, would be the employer liability and the  
19    Federal liability would be, of course, the Federal  
20    Government.

21                  So I don't see that there should be any  
22    offset. I think that you should probably receive both  
23    benefits. Is there an offset?

24                  CHAIRWOMAN SPIELER: As I understand  
25    it -- but I think there are other people in the room



1     who may know this better -- there is -- you can file  
2     the State worker's compensation claim and ask for  
3     assistance from the DOE Office of Worker Advocacy  
4     through the physician panels as well as file for the  
5     DOL benefits for the beryllium disease or the  
6     radiation-induced cancer or silicosis, and you can  
7     collect both and there is no offset between those two.

8                     MS. SHUPACH: I see.

9                     CHAIRWOMAN SPIELER: Let me ask you, did  
10    you go into the Resource Center to file a claim?

11                    MS. SHUPACH: I have been to the  
12    Resource Center, and it was mainly to gather  
13    information. The way I'm approaching this process  
14    is -- I don't know. This happened over 36 years ago.  
15    My father died of cancer at 51 and he worked in an  
16    atomic weapons facility and he was a chemist.

17                    And so I'm assuming -- a lot of  
18    assumptions. Children don't know what their fathers  
19    are doing -- what their fathers are doing, but I'm  
20    assuming that he was exposed. And the way that I'm  
21    approaching the claims is I'm filing four claims and  
22    then I'm going to see what you all say as far as are  
23    these -- are these claims valid or not. Because 36  
24    years is a long time. I don't know.

25                    So -- and I'm also gathering all the

1 resources that I can under the Freedom of Information  
2 Act as far as personnel records, the epidemiological  
3 studies, the radiation exposure records. I'm writing  
4 everyone I can find to get those records because I want  
5 to know for myself, you see. I don't want to file my  
6 claims and have them come back and say, Well, the  
7 information wasn't available so your claim is denied.

8 I'm -- I'm being very proactive in  
9 trying to gather all the information before I file the  
10 claims. And I will file four. I do not know the  
11 eligibility for all of them. And it's very unclear.  
12 Especially the Special Energy Cohort.

13 I know I talked to Beverly about that  
14 one day and it says "and other facilities that the  
15 Department of Energy deems will be placed on this  
16 list." Well, that doesn't tell us no. So you -- you  
17 are putting everybody in a position of having to do  
18 everything themselves.

19 DR. MARKOWITZ: Where did your father  
20 work? Which facility?

21 MS. SHUPACH: My work worked at Spencer  
22 Chemical Company in Galena, Kansas. And they  
23 processed, I guess, uranium. It's now, I think,  
24 Chevron. It's changed hands about five times.

25 So that's another problem is getting

1 personnel records. I don't know if we can get them.  
2 But I'm going to find out and I'm going to have  
3 documents to present to EEOICPA and also to the State  
4 saying these records are not available because that's  
5 what they need to know. That's what I need to know.  
6 I'm doing this more for myself to find out what  
7 happened 36 years ago.

8 CHAIRWOMAN SPIELER: One of the reasons  
9 I asked you if you filed a claim is I wondered whether  
10 you asked these questions of the Resource Center, what  
11 are the offsets and how should I go about applying.

12 MS. SHUPACH: The Resource Center  
13 basically, you know, said to me that -- I've had this  
14 advice is do not write for records. It takes too much  
15 time. Do not write for records because it's going to  
16 take too much time for you to get it and the Department  
17 of Labor is going to be much easier for them to get  
18 that information. I don't think that's probably true.  
19 I think that if they can get the information, so can I.  
20 And -- or I should be able to. And I think it's more  
21 important for me to know than for the Department of  
22 Labor to know.

23 And if I can't find out, I think that's  
24 a very important point to make with the Department of  
25 Labor, that this liability has come up after 36 years,

1 and the expectation is that the survivors are going to  
2 be able to produce these documents. And the  
3 expectation may be unrealistic due to the fact that  
4 this was classified material at one time, due to the  
5 fact that the only people that are surviving are the  
6 next generation and the next generation and several  
7 things that prevent you from actually filing a very  
8 precise claim.

9                   So I think the point that I want to make  
10 is it's important for me to be sure I know what it's  
11 lacking, so, therefore, I can say with all honesty and  
12 veracity that the reason that I cannot prove my claim  
13 is because of lack of information after 36 years. And  
14 that may be the fault of the company that didn't keep  
15 the records or maybe it's someplace I'm not looking or  
16 we don't know what -- what the reasons are.

17                   As far as time is concerned, at least --  
18 the very least I know is that when the information does  
19 come in, I know how timely it is, but if I file my  
20 claim with the Department of Labor, I don't know when  
21 that information comes in and I don't know how they're  
22 processing that and I don't know what they are waiting  
23 for and I don't know a lot of things.

24                   So that's the way I'm approaching this  
25 situation. I will probably, as soon as all the

1 information comes in, go to the Resource Center and  
2 have everything -- I'll have everything prepared and  
3 they can file the actual claims. Send them where they  
4 need to go. Is that a good approach or --

5 CHAIRWOMAN SPIELER: I -- you know, I  
6 think it sounds like a good approach. I think that  
7 we're -- quite frankly, one of the reasons we wanted to  
8 hear what was going on is that, in fact, a lot of  
9 different people are feeling their way, trying to make  
10 this work right. And I think that the more information  
11 you have that you can put together before you file your  
12 claim, probably the better off you are.

13 MS. SHUPACH: I agree with you.

14 CHAIRWOMAN SPIELER: Especially for old  
15 claims like you're talking about.

16 MS. SHUPACH: I agree with you. Thank  
17 you very much.

18 CHAIRWOMAN SPIELER: Thank you very  
19 much. James Jeffries? Would you like to speak?

20 MR. JEFFRIES: No, thank you.

21 CHAIRWOMAN SPIELER: Is there anyone  
22 else in the room who would like to offer any comments  
23 at all to this committee?

24 Again, this committee really appreciates  
25 your coming. We don't work for the Department of

1     Energy, any of us. We're all volunteers in this effort  
2     to try to provide advice to the Department of Energy in  
3     how better to implement this act. And our sole role  
4     here is to provide that advice. And I think everybody  
5     on this committee is very seriously committed to trying  
6     to make this work.

7                     So concerns that you've raised this  
8     evening are concerns that we will discuss in our  
9     meeting tomorrow and hopefully follow up with the  
10    Department of Energy about.

11                    If there are additional concerns or  
12    people who didn't have the opportunity to come, but who  
13    might want to offer any comments to us, if you would  
14    send them to the Department of Energy with the specific  
15    instructions to provide them to the advisory committee,  
16    the Department of Energy staff will do that. And we  
17    will consider them as we go forward.

18                    I think that it is incredibly difficult  
19    for the Federal Government to get a new program up and  
20    running and not be excessively bureaucratic about it.  
21    And a number of you are, I think, confronting those  
22    kinds of problems. We really hope that we're going to  
23    be able to help. And we will keep at it the best we  
24    can. Anyone else? Yes.

25                    MR. SABER: Some things I've been

1     thinking of during this talk here. I worked out there  
2     for 31 years. I started out there as a machinist and  
3     worked in every area from enriched uranium, depleted  
4     uranium, plutonium, I worked in the preheat area, I did  
5     maintenance work, cut asbestos. And I'm one of the  
6     lucky ones. I don't have anything wrong. I retired  
7     in -- after 31 years in 1989.

8                     And when I left, I didn't even think  
9     about my records, my medical records. There's a lot of  
10    other people that retired that didn't even think about  
11    their records. And they weren't as lucky as I am, so,  
12    you know, when I get calls from people, you know,  
13    especially surviving spouses, they don't have their  
14    records of their husbands. And I tell them, well, find  
15    out as much as you can and we'll try to help you.

16                    And so I don't know if DOE, you know,  
17    can dig up their records, but I do tell them that. You  
18    know, because that's what I was told in the classes  
19    that we went to. That we file the claim, we send it in  
20    to the Labor Department, and whatever the Labor  
21    Department can't find, they go to DOE and DOE tries to  
22    get it for them.

23                    So I just wanted to throw that in.

24                    CHAIRWOMAN SPIELER: Thank you. Is  
25    there anyone else who has anything additional to add?

1                   MR. BEITSCHER: I do. I've been  
2 listening very carefully, and the thing that I would  
3 like to impress upon you is that the procedure have  
4 some flexibility to it. I did not know that I needed  
5 to bring all of my documentation to the initial  
6 interview. I assumed -- and perhaps erroneously --  
7 that I would provide minimum documentation and if there  
8 was any question, they would come back and ask me for  
9 additional. That seems reasonable.

10                   But now, listening to everything, I'm  
11 not sure that's going to work that way. It may very  
12 well be that my claim will be just stamped unaccepted  
13 because I lack sufficient documentation.

14                   I think it's very important, if I may  
15 suggest, that you ask the DOE, the Department of Labor  
16 and Justice to build some flexibility into the system.  
17 And I wouldn't assume that's going to happen by itself,  
18 knowing the machinations of the U.S. Government. God  
19 bless them.

20                   CHAIRWOMAN SPIELER: Good point. Thank  
21 you very much for coming. We appreciate your comments.

22                   I'm going to call this closed, although,  
23 technically, we have indicated that we would take  
24 additional comments until 8:00. So I'll ask the  
25 Department of Energy staff to stay here and we'll



1 reconvene the committee if any additional people come.

2 Is that all right, Judy? Thank you very much.

3 (The meeting was adjourned at 6:55 p.m.)

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